

SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsourc.com/local/349040_report29.html

Panel looking at Seattle police accountability system is due to issue report

Internal investigations focus of group

Last updated January 28, 2008 10:59 p.m. PT

By SCOTT GUTIERREZ

P-I REPORTER

A mayoral panel appointed to examine the Seattle Police Department's accountability system is expected to issue a report Tuesday urging expanded civilian oversight of internal investigations and stronger disciplinary standards for officers accused of misconduct.

Mayor Greg Nickels appointed the 11-member Seattle Police Accountability Review Panel last summer under pressure from community activists over how the department handled internal investigations.

Some called for Chief Gil Kerlikowske to resign after two officers were cleared of serious wrongdoing despite video evidence that contradicted their reports of a drug arrest. In another case, officers avoided discipline despite findings they wrongfully wrestled a man to the ground and beat him outside a Capitol Hill nightclub.

The panel, which included former Gov. Gary Locke and other high-profile officials, was tasked with analyzing the department's Office of Professional Accountability, which investigates officer misconduct. The office includes a team of police investigators headed by a civilian director, who reports her findings to the police chief.

The panel's work was the first extensive look at the disciplinary process since another panel in 1999 urged the department to adopt civilian oversight in police accountability, which at the time still was unique to law enforcement.

The panel's conclusions were assembled in a report to the mayor with proposals for where Seattle's system needs improvement.

The panel had concerns that the department's civilian oversight, while once hailed as groundbreaking, may not be functioning as independently as envisioned when it was established, according to one source involved in the discussions.

The report is expected to contain nearly 30 proposed recommendations, agreed to unanimously after months of reviewing reports and hearing from police officials, and representatives from the guild and OPA.

Some changes, such as more training for OPA investigators, will be minor tweaks.

Still uncertain is the fate of more substantive changes. Last week, a state labor examiner ruled that any change in officer disciplinary procedures must be negotiated through collective bargaining. The decision struck down a city ordinance that provided misconduct files to a citizen oversight board with officers' names included, which the Seattle Police Officers' Guild argued had violated the officers' labor contract.

"It was a very distinguished panel. They did a good job, and we look forward to discussing their recommendations with representatives of the city at the proper venue. That proper venue is the bargaining table," said Sgt. Rich O'Neill, the guild's president.

One recommendation is to create a broader role for the department's civilian auditor. In addition to the civilian OPA director, the auditor reviews investigations for thoroughness and patterns in complaints and makes policy recommendations.

The panel's report also calls on the department to establish a "bright-line" rule declaring no tolerance for officers caught lying or withholding information, two sources involved with the panel confirmed. Guild representatives,

however, say they're unclear on how such a regulation would differ from the current policy manual, which advises officers that untruthfulness is grounds for termination.

Some of the recommendations focus on the role of Kerlikowske, who was accused last summer by a citizen oversight board of steering an internal investigation in favor of two officers. A second investigation later found Kerlikowske did nothing improper.

In a small percent of cases, Kerlikowske has overruled the OPA director's decisions on misconduct and exonerated officers. The panel's report urges Kerlikowske to articulate in writing his reasoning in cases in which he overrules the OPA director to make the process more transparent.

Late last year, the City Council passed an ordinance with that requirement, although the guild contends the law violates terms of the labor contract.

Kerlikowske declined to comment until after the report is formally presented.

Chris Vick, the guild's attorney, said the report is untimely, given that the guild and the city have been in labor talks since August 2006. Both sides have agreed on the bargaining issues, and any changes would have to be mutually approved, he said. "I don't think anybody in the United States has more oversight than Seattle has. I don't know what they could do to create more oversight than they already have," Vick said.

Meanwhile, the King County Police Officers' Guild is in talks with county officials over proposed reforms to the disciplinary system, including a proposal that would create an office of civilian oversight.

Those changes were proposed by a panel appointed two years ago after the Seattle P-I reported on poor oversight and lapses in accountability for King County deputies accused of misconduct.

In a report Monday to the County Council, panel Chairman Randy Revelle and Vice Chairwoman Faith Ireland, a former Supreme Court justice, said Sheriff Sue Rahr had made significant progress in improving supervision of officers and in making her agency more transparent to the public, but needs more authority in collective bargaining with the deputies' union to implement critical changes in disciplinary policy.

In its report, the panel urged the county to amend its charter to grant Rahr more authority in negotiating with the deputies' union over working conditions.

Rahr has lobbied the Charter Review Commission, meeting this year, to recommend granting her more authority, saying she fears disciplinary reforms would take a backseat to the executive's priorities.

County Executive Ron Sims opposes handing any negotiating power to Rahr, saying it would interfere with his ability to manage the county budget. The King County Police Officers' Guild also contends such an arrangement would be illegal under labor laws.

Revelle, a former county executive, said it became an issue when voters chose to make the sheriff an elected position 10 years ago, rather than appointed by the county executive. That shifted the responsibility for discipline and oversight, without the authority to negotiate policies with the deputies' union.

P-I reporter Scott Gutierrez can be reached at 206-903-5396 or scottgutierrez@seattlepi.com.

© 1998-2008 Seattle Post-Intelligencer